

**Notice of Allowability**

Application No.

09/824,483

Examiner

Mark Fadok

Applicant(s)

TOKUHIRO ET AL.

Art Unit

3625

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/2/2007.
2. ☒ The allowed claim(s) is/are 16-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

## DETAILED ACTION

### *Response to Election*

The examiner is in receipt of applicant's submittal of application dated 2/2/2007. Acknowledgement is made to the amendment to claims 16, 21 and 22. The examiner has carefully considered applicant's amendment and arguments and finds them persuasive, therefore the following reasons for allowance are provided below:

### *Rejoinder*

Claim 16 is directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(b), claims 17 and 19, directed species of the allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because a claimed invention previously withdrawn from consideration under 37 CFR 1.142 has been rejoined, **the restriction requirement for 3 species groups IA as set forth in the Office action mailed on 9/19/2005 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Mehran Arjomand on 5/14/2007.

The application has been amended as follows:

#### **Claim 16**

Line 3, after the phrase "site computer comprising". Insert--said site computer comprising a processor, said processor comprising--

Line 4, delete "portion" and insert--section--

Line 10, delete "portion and insert--section--

Line 12, delete "portion and insert--section--

#### **Claim 17**

Line 2, delete "portion" and insert--section--

Line 3, delete "portion and insert--section--

#### **Claim 19**

Line 3, delete "portion" and insert--section--

***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance:

Claims 16-22 are allowable.

The following is an Examiner's statement of the reasons for allowance for all independent claims.

The following is an Examiner's statement of the reasons for allowance for all independent claims 16,21 and 22.

The present invention is directed a method, device and record medium for hosting a catalog from vendors of different countries and permitting a simultaneous ordering of copyrighted items from different countries wherein each country distributes a royalty to a trustee, inter alia, "receiving from a user computer simultaneous designation of the first and second items displayed on the item list and dealt by the first and second vendors... whereby the first vendor computer communicates with a computer belonging to a first trustee of a copyright relating to the first item to execute the procedure for payment of a royalty, the first trustee of the copyright belonging to the first country, and the second vendor computer communicates with a computer belonging to a second trustee of a copyright relating to the second item to execute the procedure for payment of a royalty, the second trustee of the copyright belonging to the second country".

Discussion of most relevant art:

### **US Patents and PG-PUB**

(i) US Patent 6,643,624 to Philippe et al teaches a method for transacting ecommerce over multiple sites. Philippe, however, fails to render the above-mentioned application's limitations obvious.

(ii) US PG Pub 20020032579 to Harpale teaches a method for transacting ecommerce over multiple countries through an intermediary. Harpale, however, fails to render the above-mentioned application's limitations obvious.

(ii) US PG Pub 20040254855 to Shah teaches a method for using a universal shopping cart to conduct transactions over multiple sites. Shah, however, fails to render the above-mentioned application's limitations obvious.

### **Foreign Patent Documents**

(iii) WO 00/31657 to Van Den Berghe et al. teaches a method for the use of a multi site shopping cart for conducting internet transactions; however, Van Den Berghe fails to render the application's above-mentioned limitations obvious.

### **Non-Patent Literature**

(iv) Lewis et al. teaches the use of an intermediary to conduct internet sales.

Lewis, however, does not render the application's above-mentioned limitations obvious.

Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **571.272.6755**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeffrey A. Smith** can be reached on **571.272.6763**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

Alexandria, Va. 22313-1450

or faxed to:

**571-273-8300**

[Official communications; including

After Final communications labeled

"Box AF"]

For general questions the receptionist can be reached at

571.272.3600

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Mark Fadok', with a long horizontal stroke extending to the right.

Mark Fadok  
Primary Examiner